

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JORGE VALDES,

Plaintiff,

-against-

9:08-CV-0749 (LEK/DHR)

BRIAN FISCHER, Commissioner N.Y.S.
D.O.C.S.; MARY D'SILVA;
C. LINQUIST; WILLIAM D. BROWN;
DR. MAGRAW; MS. PARRINO; and
A. JACOBSON, D.D.S.

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

JAN 24 2011

Defendants.

LAWRENCE K. BAERMAN, CLERK
ALBANY

ORDER

This matter comes before the Court following a Report-Recommendation filed on December 7, 2010, by the Honorable David R. Homer, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 63). On December 27, 2010, Plaintiff Jorge Valdes ("Plaintiff") requested, and was granted, an extension of time to file objections to the Report-Recommendation. Dkt. No. 64. Plaintiff filed his objections ("Objections") on January 20, 2011. Dkt. No. 65.

This Court is to "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b). "A [district] judge . . . may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.* Where, however, an objecting "party makes only conclusory or general objections, or simply reiterates his original arguments, the Court reviews the Report and Recommendation only for clear error." *Farid v. Bouey*, 554 F. Supp. 2d 301, 307 (N.D.N.Y. 2008) (quoting *McAllan v. Von Essen*, 517 F. Supp. 2d 672, 679 (S.D.N.Y. 2007))

(citations and quotations omitted)).

The Court has considered Plaintiff's Objections, undertaken a de novo review of those portions of the record to which they relate, and has determined that the Magistrate Judge's Report-Recommendation should be approved for the reasons stated therein.

For the above reasons, it is hereby

ORDERED, that the Report-Recommendation (Dkt. No. 63) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

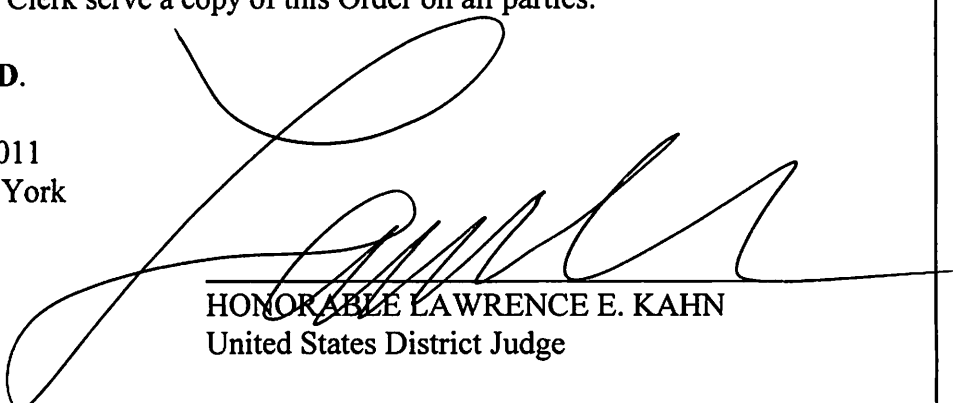
ORDERED, that Defendants' Motion for summary judgment (Dkt. No. 59) is **GRANTED** as to all claims and all Defendants; and it is further

ORDERED, that Plaintiff's Amended Complaint (Dkt. No. 47) is **DISMISSED**; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: January 24, 2011
Albany, New York



HONORABLE LAWRENCE E. KAHN
United States District Judge